

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/888,320	BARRY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sally A Sakelaris	1634	

**All Participants:**

**Status of Application:** \_\_\_\_\_

(1) Sally A Sakelaris.

(3) \_\_\_\_\_.

(2) Larry Hyman.

(4) \_\_\_\_\_.

**Date of Interview:** 16 August 2004

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No  
 If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

1 3 5 8-11 21 22 35 37

Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application.   
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

 8/16/04  
 (Examiner/BPE Signature)

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's representative called to appraise the examiner that they had on 7/25/2004, faxed in an amendment putting the claims in condition for allowance. While applicant and examiner discussed issues of a possible not further limiting of claim 37, considering claim 1 delineates 3 different drug resistances with only one of the three resistances being detectable with one of the seven listed amino acid changes of claim 37, it was found to be further limiting of claims 3 and 1. Applicant's representative also inquired about the possibility for refund of fees considering the office was slow in receiving his papers and applicant believed as such that he was entitled to a refund of his paid 4 month extension to a 3 month extension amount. It was explained that the office's position is not to refund fees due to eDAN delays and furthermore that applicant was limited to the time that elapsed following the sending of the final rejection on 8/12/2004 regardless of when the examiner received the paper.